In re Appln. of Virette et al.
Application No. 10/582,025
Response to Office Action of February 27, 2009

REMARKS

The following remarks are responsive to the Non-Final Office Action of February 27, 2009. At the time of the Office Action, claims 1–27 were pending.

- Claim 13 was indicated as allowable;

- Claims 1, 24, 25, and 27 were objected to as containing various informalities;

- Claims 1, 24, 25, and 27 were rejected as being indefinite under 35 U.S.C. § 112, ¶ 2;

- Claims **1, 2, 12, and 27** were rejected under 35 U.S.C. § 103(a) as obvious over Gao, et al.(U.S. Patent No. 6,581,032, hereinafter Gao);

- Claims **3–11, 13, 16, 21, 22, and 24** were rejected under 35 U.S.C. § 103(a) as obvious over Gao in view of **Kolesnik** et al. (U.S. Patent No. 5,729,655, hereinafter Kolesnik) and **Carter** et al. (U.S. Patent No. 5,987,506, hereinafter Carter).

- Claims **14, 23, 25, and 26** were rejected under 35 U.S.C. § 103(a) as obvious over **Gao** in view of **Jabri** et al. (U.S. Patent No. 6,829,579, hereinafter Jabri).

- Claims **17–20** were rejected under 35 U.S.C. §103(a) as obvious over Gao in view of **Jabri** et al., and further in view of **Aguilar** et al. (U.S. Patent No. 7,272,556, hereinafter Aguilar).

Applicants thank the Examiner for the indication of allowable subject matter in claim 13, which has been rewritten as new independent claim 29. Applicants have amended claim 1–5, 11--13, and 22–27, and have provided additional new claim 28 having certain limitations in previous claim 1.

These claims have been amended to incorporate substantive distinctions over the cited prior art references, as discussed below.

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Claim Objections to Claims 1, 24, 25, and 27

1. Applicants have replaced the objected to language "with a view to" with the more conventional wording "for".

In the Office Action, on p. 2, the Examiner objected to language used in claims 1, 24, 25, and 27, and suggested using the language "succession of functional units for compression coding of said signal."

Applicants thank the Examiner for suggesting the above language and have therefore amended the respective claims to incorporate this language.

2. Applicants have removed the letter designations from the method steps and refer to them by the step designations.

In the Office Action, on p. 3, the Examiner objected to the inconsistency of the step lettering. Therefore, in order to maintain consistency, Applicants have amended the claims to remove letter designations from the method steps and to refer to the step designation itself.

Since the above-described amendments correspond with the suggestion of the Examiner, Applicants respectfully request that the objections be withdrawn from the application.

35 U.S.C. § 112, Second Paragraph Indefiniteness of Claims 1, 24, 25, and 27

3. The claim term "input signal" is sufficiently understood by a person of ordinary skill in the art, and a limitation restricting operation to a frame is too narrowing and unnecessary.

In the Office Action, on p. 3, the Examiner rejected claims 1, 24, 25, and 27 as being indefinite, stating that the amendment indicating that the common functions are executed "only one time for the input signal..." is not true since the input signal has been segmented into frames.

Applicants respectfully contend that a limitation restricting the claimed operations to frames is unduly limiting, and that use of the term "input signal" that feeds into the apparatus is not indefinite to one of ordinary skill in the art who would understand how the claimed operations are performed on such an input signal. The claimed input signal is intended to be construed broadly and that if a broad construction of the term input signal encompasses

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additional prior art, then the basis for the rejection should be one under 35 U.S.C. §§ 102, 103, and not under § 112.

Applicants respectfully request that the 35 U.S.C. § 112 rejection be withdrawn from the application.

35 U.S.C. §103(a) Obviousness of Claims 1, 2, 12, and 27 over Gao

4. *Gao fails to teach or suggest the present independent claims, as amended, since Gao discloses running only a single encoder among four encoders, does not teach adapting parameters delivered by functional units, nor contains a teaching of the execution of a common function to the coders in a common calculation module.*

In the Office Action, on pp. 4–5, the Examiner rejected claims 1, 2, 12, and 27 as being obvious over Gao.

Applicants have amended claims 1, 2, 12, and 17, and provide the following for distinguishing the claims, as amended, from the teaching of Gao.

As shown in Gao's Figure 2, the coder 12 comprises four rate encoders 36, 38, 40, 42, wherein each rate encoder encodes data with a different bit rate (see column 9, lines 37-45). Furthermore, the coder disclosed in Gao runs <u>only one</u> encoder amongst the four encoders (see column 10, lines 5-14).

In order to select the encoder to be used, Gao's coder extracts parameters from an input signal (see column 9, lines 55-59). This parameter extraction is performed in a module 44 which is connected to each encoder 36, 38, 40, 42. Once the parameters are extracted, the parameters are analyzed in order to activate one of the initial frame processing modules 46, 48, 50 or 52, included in module 44. Each initial frame processing module is connected to only one rate encoder, i.e., modules 46, 48, 50, 52 are respectively connected to encoders 36, 38, 40, 42.

Thus, Gao discloses a common parameter <u>extraction</u>, and a parameter <u>analysis</u> in order to select a unique rate encoder to be used. The parameter extraction and the parameter analysis do not consist in any way in a coding function, since coding is performed inside the rate encoders 36, 38, 40 and 42.

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Furthermore, with regard to the amended claims, Gao <u>does not teach adapting parameters</u> delivered by functional units of the coders, to the bit rates of the coders.

Moreover, Gao et al. teaches parameter analysis so as to <u>select</u> a <u>single</u> encoder, whereas the present invention implements a multiple coding, which means that <u>several</u> coders are operated.

The coder disclosed in document Gao et al. is part of the prior art described in the present application (see pages 3-4 of the application). Indeed, document Gao et al. discloses a selection of coders *"a priori"*.

Moreover, document Gao et al. does not teach nor suggest the execution of a common function to the coders in a common calculation module.

Contrary to the teaching of the prior art, including newly cited Gao, which tends to avoid multiple compression coding (for example, by using an *"a priori"* selection of coders), the present invention reduces calculation complexity of this type of coding (see page 6, lines 2336 of the present application).

By implementing the steps defined in the amended independent claims of the present application, the present invention provides a flexible use of multiple coding (see page 28 of the present application).

It is thus asserted that the subject matter of claim 1 is new and non obvious over Gao. Concerning the other independent claims, they are believed to be allowable at least for the same reasons as those given above.

Based on the amendments to the claims and discussion presented above, Applicants respectfully request that this 35 U.S.C. § 103 rejection be withdrawn from the present application.

35 U.S.C. §103(a) Obviousness of Remaining Claims 3–11, and 13–26 over Gao in view of Some Combination of Kolesnik, Carter, Jabri, and Aguilar

5. *Applicants rely upon the above arguments with respect to the remaining claims and, and asserts that none of the additional references supplants the deficiencies identified above with respect to Gao.*

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In the Office Action, on pp. 8–31, the Examiner combined Gao with various combinations of Kolesnik, Carter, Jabri, and Aguilar in establishing an obviating combination of references for various dependent claims in the present application. Without addressing the specifics of the additional references on the merits, Applicants rely upon the above arguments and assert that the disclosures of each of these additional references, alone or in combination, do not serve to solve the deficiencies of the Gao reference with regard to the amended claims. The Examiner has cited these references for purposes related to the specifics of the dependent claims.

For these reasons, Applicants respectfully request that the Examiner withdraw these 35 U.S.C. §103 rejections from the application.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

/brian c. rupp/

Brian C. Rupp, Reg. No. 35,665
Mark Bergner, Reg. No. 45,877
DRINKER BIDDLE & REATH LLP
191 N. Wacker Drive, Suite 3700
Chicago, Illinois 60606-1698
(312) 569-1000 (telephone)
(312) 569-3000 (facsimile)
Customer No.: 08968

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